



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

14/B  
12/3/02

Applicant: Andrzej KILIAN  
Title: METHODS FOR GENOTYPING BY HYBRIDIZATION ANALYSIS  
Appl. No.: 09/820,328  
Filing Date: March 29, 2001  
Examiner: Frank Wei Min Lu  
Art Unit: 1634

AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This communication is responsive to the Office communication mailed July 16, 2002, concerning the above-referenced patent application. Since the three-month shortened statutory period for response expired on October 16, 2002, this response is accompanied by a Petition for a one (1) month extension of time and appropriate fee. Nevertheless, if this response lacks in the payment of any fees, the Commissioner is authorized to make appropriate charges or credits to Deposit Account No. 19-0741.

Please amend the application as follows.

IN THE CLAIMS

Please cancel claims 23-40 without prejudice or disclaimer.

RECEIVED  
NOV 20 2002  
TECH CENTER 1600/2900

**REMARKS****I. Status of the claims**

Applicant acknowledges, but does not concur with, the examiner's rationale for maintaining the species election requirement in the present Action. Claims 1-40 are pending. Claims 23-40 have been cancelled without prejudice or disclaimer. Of course, applicant reserves the right to file one or more divisional applications to the non-elected subject matter. No claims have been amended. Claims 1-22 are allowed.

**II. Summary of the Office Action**

Claims 1-22 were allowed while claims 23-40 were withdrawn from consideration. The examiner also noted that the application fails to comply with the requirements of 37 CFR 1.821-1.825. Finally, the drawings were objected to for various formatting issues.

**III. The Present Application is in Condition for Allowance**

Applicant cancelled herein withdrawn claims 23-40. Applicant also provides herewith paper and electronic copies of the Sequence Listing prepared for the corresponding PCT application (PCT/IB01/00833) of the present application. Also provided is the Statement signed by James Coburn that the Sequence Listing does not include matter which goes beyond the content of the application.

Applicant also submits herewith corrected formal drawings in response to the Draftperson's remarks on the form PTO 948.

**IV. Conclusion**

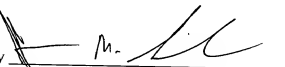
In view of the foregoing, it is respectfully urged that claims 1-22 are allowable and that the present application is in condition for allowance. Accordingly, an early notice of allowance is earnestly solicited. Should there be any questions, Examiner Lu is courteously invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

Date: November 18, 2002

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By



*for* Richard C. Peet 40,413  
Attorney for Applicant  
Registration No. 35,792